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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,181	08/20/2003	Pcter Ho Ka Nam	2668	5553

7590 12/15/2005
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EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,181

Applicant(s)

KA NAM, PETER HO

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities:

Claim 20 is dependent from claim 8 which would make claim 20 a substantial duplication of claim 10. Additionally, if claim 20 were to depend from claim 8, there would lack of antecedent basis for "the scoop". Examiner believes that Applicant wanted claim 20 to depend from claim 18 and therefore that is how the claim was examined. Please correct the claim dependency in the reply to the office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gomez (USPN 2670485).

Gomez teaches a sweeper comprising a front housing (60) and a rotating brush (24) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (every bristle that touches the surface, except for the bristles directly perpendicular to the surface, engage the surface at an oblique angle). There is a frame (40) secured to a lower portion of the housing. There is a height adjustment column (66) rising from the rear of the frame. There is a dirt receptacle (30) removably located on the frame.

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With regards to claim 2, there is a notch (64) defined in the rear of the dirt receptacle for extending around the column.

With regards to claim 3, there is an adjustable wheel assembly (68) positioned within the column.

With regards to claim 4, there is a rotary knob located on the top of the column (not labeled but shown in figure 2 between reference numbers 62 and 66).

With regards to claim 5, there is a cam (threading on 66), which moves the wheel up and down relative to the frame as the knob is rotated.

With regards to claims 6 and 7, when the wheel is moved downwardly the force of the brush is increased and when the wheel is moved upwardly the force of the brush is decreased.

Claims 1, 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker et al. (USPN 2268059).

Parker teaches a sweeper comprising a front housing (12) and a rotating brush (17) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (every bristle that touches the surface, except for the bristles directly perpendicular to the surface, engage the surface at an oblique angle). There is a frame (28) secured to a lower portion of the housing. There is a height adjustment column (51a) rising from the rear of the frame. There is a dirt receptacle (14) removably located on the frame.

With regards to claim 3, there is an adjustable wheel assembly (51) positioned within the column.

With regards to claim 4, there is a rotary knob located on the top of the column (not labeled but shown in figure 3 as reference number 51a).

With regards to claim 5, there is a cam (threading on 51a), which moves the wheel up and down relative to the frame as the knob is rotated.

With regards to claims 6 and 7, when the wheel is moved downwardly the force of the brush is increased and when the wheel is moved upwardly the force of the brush is decreased.

With regards to claim 8, there is a latch (34, 33) on the upper portion of the dirt receptacle.

With regards to claim 9, the latch, column and frame cooperate to position the dirt receptacle to the front housing.

Claims 1, 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pätzold et al. (USPN 4502173).

Pätzold teaches a sweeper comprising a front housing (11) and a rotating brush (14) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (every bristle that touches the surface, except for the bristles directly perpendicular to the surface, engage the surface at an oblique angle). There is a frame (not labeled, see figure 4) secured to a lower portion of the housing. There is a height adjustment column (57) rising from the rear of the frame. There is a dirt receptacle (68) removably located on the frame.

With regards to claim 3, there is an adjustable wheel assembly (17) positioned within the column.

With regards to claim 4, there is a rotary knob located on the top of the column (66).

With regards to claim 5, there is a cam (53), which moves the wheel up and down relative to the frame as the knob is rotated.

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With regards to claims 6 and 7, when the wheel is moved downwardly the force of the brush is increased and when the wheel is moved upwardly the force of the brush is decreased.

With regards to claim 8, there is a latch (not labeled but shown on figure 3) on the upper portion of the dirt receptacle.

With regards to claim 9, the latch, column and frame cooperate to position the dirt receptacle to the front housing.

Claims 1, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pätzold et al. (USPN 4484371).

Pätzold teaches a sweeper comprising a front housing (11) and a rotating brush (14) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (every bristle that touches the surface, except for the bristles directly perpendicular to the surface, engage the surface at an oblique angle). There is a frame (not labeled, see figure 5) secured to a lower portion of the housing. There is a height adjustment column (figure 1, round element, not labeled but described in patent number 4502173) rising from the rear of the frame. There is a dirt receptacle (27) removably located on the frame.

With regards to claim 8, there is a latch (35) on the upper portion of the dirt receptacle.

With regards to claim 9, the latch, column and frame cooperate to position the dirt receptacle to the front housing.

With regards to claim 10, the latch moves in a linear path to engage a catch in the housing (40).

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Haaga (USPN 5896611).

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Haaga teaches a sweeper comprising a front housing (forward portion of 10) and a first and second rotating brush (15, 16) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (figure 1 shows the angle of the brush). There is a dirt scoop (20) positioned between the brushes. There is a frame (not labeled, see figure 1) secured to a lower portion of the housing. There is a column (30) rising from the rear of the frame. There is a dirt receptacle (not labeled but shown as 10 on figure 1) removably located on the frame.

Claims 11-12, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Haaga (USPN 5184367).

Haaga teaches a sweeper comprising a front housing (1) and a first and second rotating brush (3) secured to the housing having tangentially extending bristles adapted to engage a surface at an oblique angle (figure 1 shows the angle of the brush). There is a dirt scoop (col. 3, lines 20-28) positioned between the brushes. There is a frame (not labeled, see figure 1, best shown near 18) secured to a lower portion of the housing. There is a column (21) rising from the rear of the frame. There is a dirt receptacle (2) removably located on the frame.

With regards to claim 12, there is a notch defined in the rear of dirt receptacle for extending around the column (17).

With regards to claim 18, there is a latch positioned on the upper portion of the dirt receptacle (7).

With regards to claim 19, the latch, column and frame cooperate to position the dirt receptacle to the front housing.

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With regards to claim 20, the latch moves in a linear path to engage a catch located above the scoop (figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haaga (USPN 5184367) in view of Parker et al. (USPN 2268059).

Haaga teaches all the essential elements of the claimed invention however fails to teach a column with adjustable wheel assembly. Parker teaches a height adjustment column (51a) rising from the rear of the frame (claim 11). There is an adjustable wheel assembly (51) positioned within the column (claim 13). There is a rotary knob located on the top of the column (not labeled but shown in figure 3 as reference number 51a) (claim 14). There is a cam (threading on 51a), which moves the wheel up and down relative to the frame as the knob is rotated (claim 15). Moving the wheel downward increase the force of the first and second brush. Moving the wheel

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upwardly decreases the force of the first and second brush. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haaga's sweeper with the adjustable wheel of Parker since the adjustable wheel would aid in adjusting the amount of pressure applied to the ground or floor by the brush (page 2, col. 2, lines 6-15). Therefore, the sweeper could be used to clean both rough surface and smooth surfaces and only the height of the wheel would need to be altered.

Conclusion

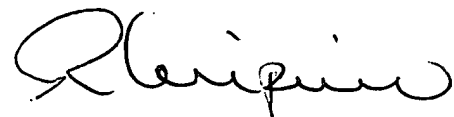
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Slb
12/6/05



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